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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 STEPHEN CHARLES VALDEZ,

10 Plaintiff,

11 v.

12 KIMBERLY PARKER, *et al.*,

13 Defendants.

Case No. C20-870-BJR-MLP

ORDER DIRECTING DEFENDANTS TO
CONFIRM SERVICE OF SUMMARY
JUDGMENT MOTION

14 This is a civil rights action proceeding under 42 U.S.C. § 1983. On February 22, 2021,
15 Defendants filed a motion for summary judgment together with seven supporting declarations
16 and a *Rand* notice. (Dkt. ## 14-22.) Each document was accompanied by a certificate of service
17 indicating that Defendants had served Plaintiff by sending a copy of the document to him at his
18 address of record, a residential address in Marysville, Washington. (*See id.*) Because Defendants
19 failed to assign a noting date to their summary judgment motion, the Court, on March 2, 2021,
20 issued a Minute Order noting the motion on the Court's calendar for consideration on March 26,
21 2021. (Dkt. # 24) On March 15, 2021, the copy of the Minute Order sent to Plaintiff at his
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1 address of record was returned to the Court with a notation indicating that it was undeliverable.
2 (Dkt. # 25.)

3 Given that Defendants sent their summary judgment papers to Plaintiff at his address of
4 record less than ten days before the Court sent its Minute Order to Plaintiff at the same address,
5 and had the mail returned, the Court is concerned that Plaintiff may not have received
6 Defendants' motion papers. Thus, before proceeding to resolution of Defendants' motion, the
7 Court deems it appropriate to have Defendants confirm, if they are able to do so, that their
8 motion papers, including the *Rand* notice, were actually delivered to Plaintiff's address.

9 Based on the foregoing, the Court hereby ORDERS as follows:

10 (1) Defendants shall advise the Court, not later than **May 14, 2021**, whether their
11 summary judgment motion papers were delivered to Plaintiff's address of record or whether the
12 papers were returned as undeliverable. Defendants' response to this Order will inform how the
13 Court chooses to proceed with this matter should Plaintiff fail to update his address with the
14 Court and Defendants' counsel as required by Local Civil Rule (LCR) 41(b)(2).

15 (2) The Clerk is directed to send copies of this Order to Plaintiff at his address of
16 record, to counsel for Defendants, and to the Honorable Barbara J. Rothstein.

17 Dated this 29th day of April, 2021.

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20 MICHELLE L. PETERSON
21 United States Magistrate Judge
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